

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL RAY DEN BESTE,
Plaintiff,
v.
DAVID A. BRADLOW, et al.,
Defendants.

Case No. 21-cv-09863-JST

**ORDER TO SHOW CAUSE RE:
SERVICE; ORDER VACATING CASE
MANAGEMENT CONFERENCE**

Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part:

If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

This case was filed on December 15, 2021, which was 163 days ago. As of the date of this order, the docket reflects no evidence that the summons and complaint have been served on the defendant. Plaintiff is therefore ordered to show cause why this case should not be dismissed for failure to serve. A written response to this order is due by June 24, 2022. The Court will conduct a hearing on the order to show cause on July 5, 2022, at 1:30 p.m.

If Plaintiff's written response to the order to show cause is accompanied by satisfactory evidence that the summons and complaint have been served, the order to show cause will be withdrawn and the July 5, 2022 hearing will be converted to a case management conference.

If Plaintiff fails to file a timely written response to the order show cause, this case will be dismissed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure.

The June 14, 2022 case management conference is vacated.

IT IS SO ORDERED.

Dated: May 27, 2022


JON S. TIGAR
United States District Judge

United States District Court
Northern District of California